UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/17
16 January 1996

ORIGINAL: ENGLISH

LETTER DATED 15 JANUARY 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 751 (1992) CONCERNING SOMALIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia containing an account of the Committee's activities since its establishment until 31 December 1995. The present report, which was adopted by the Committee under the no-objection procedure on 12 January 1996, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) PARK Soo Gil
Chairman
Security Council Committee established
pursuant to resolution 751 (1992)
concerning Somalia

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Annex

Report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. INTRODUCTION

1. By its resolution 733 (1992) of 23 January 1992, the Security Council, acting under Chapter VII of the Charter of the United Nations, imposed a general and complete embargo on all deliveries of weapons and military equipment to Somalia.

2. By paragraph 11 of its resolution 751 (1992) of 24 April 1992, the Security Council decided to establish a Committee of the Council consisting of all members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the general and complete embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992);

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo and to provide information on a regular basis to the Secretary-General for general distribution to Member States.

3. The Committee's bureau, as elected at its first meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman is elected in his/her personal capacity for the calendar year. For 1995, the bureau consisted of Ambassador Salim Bin Mohammed Al-Khussaiby (Oman), as Chairman, with the delegations of Honduras and Rwanda providing the two Vice-Chairmen.

4. The Committee adopted the present report under the no-objection procedure on 12 January 1996. The purpose of the report is to present a factual summary of the Committee's activities since its establishment in 1992 until 31 December 1995, during which time it held 10 meetings.

II. BACKGROUND AND SUMMARY OF THE COMMITTEE'S WORK DURING THE REPORTING PERIOD

A. Background information

5. Pursuant to paragraph 10 of resolution 733 (1992), the Secretary-General issued a report on 11 March 1992 on the progress of the implementation of the resolution (S/23693 and Corr.1). The report indicated that, despite replies

received from 68 States as at 6 March 1992, 1/, stating that they were strictly observing the terms of paragraph 5 of resolution 733 (1992), both Somali factions had claimed that the other side was receiving arms from some of the countries in the region.

6. In view of the continued flow of arms into Somalia, the Security Council adopted resolution 746 (1992) on 17 March 1992, in which it strongly supported the Secretary-General's decision to dispatch urgently a technical team to Somalia to look into possible mechanisms to ensure the effective implementation of the arms embargo and prepare an operational plan. Pursuant to paragraph 6 of the resolution, the Secretary-General issued a report on 21 April 1992 on the progress in its implementation (S/23829) and requested the Security Council to consider putting in place the appropriate arrangements for the monitoring of the arms embargo. The report also noted that 14 additional replies had been received from States on the implementation of paragraph 5 of resolution 733 (1992), 2/ and that the flow of arms into Somalia continued. Subsequently replies were also received from Burkina Faso, Nicaragua and Panama, bringing the total to 85 replies received from States on the implementation of paragraph 5 of resolution 733 (1992).

7. Pursuant to the adoption of resolution 751 (1992) by the Security Council on 24 April 1992, the Secretary-General issued a report on 22 July 1992 (S/24343) on the progress of the implementation of the resolution. The report once again indicated that the situation regarding the flow of arms and ammunition from outside and the continuing use of military weapons on a large scale inside Somalia had not changed since the last report.

8. In its resolutions 767 (1992) and 775 (1992), adopted on 27 July and 28 August 1992 respectively, the Security Council expressed concern about the availability of arms and ammunition in the hands of civilians and the proliferation of armed banditry throughout Somalia, and further stressed the need for the observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of resolution 733 (1992).

9. In paragraph 16 of its resolution 794 (1992), of 3 December 1992, the Security Council, acting under Chapters VII and VIII of the Charter, called upon States, nationally or through regional agencies or arrangements, to use such measures as might be necessary to ensure strict implementation of paragraph 5 of resolution 733 (1992).

10. On 4 November 1994, the Security Council, deeply concerned about the availability of arms to Somalia, adopted resolution 954 (1994), in which it reiterated the need for observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of resolution 733 (1992). The Council further requested the Committee to fulfil its mandate as described in paragraph 11 of resolution 751 (1992) and in particular to seek the cooperation of neighbouring States for the effective implementation of the embargo.

11. Although the United Nations Operation in Somalia (UNOSOM II) military forces were withdrawn after the expiry of their mandate on 31 March 1995 in

accordance with paragraph 5 of Security Council resolution 954 (1994), the mandatory arms embargo against Somalia still remains in effect.

B. Activities of the Committee

12. The guidelines of the Committee for the conduct of its work were adopted at its second meeting, on 8 May 1992, and transmitted to all States and international organizations on 11 May 1992.

13. Pursuant to a decision taken at its second meeting, letters were addressed to all States on 1 June 1992 requesting information on violations of the arms embargo against Somalia.

14. At its fourth meeting, on 4 December 1992, the Committee authorized the Chairman to issue a press statement, indicating the great concern expressed by the members of the Committee at the lack of receipt of necessary information concerning reports on violations of the embargo. In accordance with the Committee's mandate, an appeal was issued, by means of a press release dated 10 February 1993 (United Nations press release SC/5554 SOM/10), to all national and international governmental or non-governmental organizations for information on violations or suspected violations of the arms embargo against Somalia. In that connection, letters were also addressed to all States on 12 February 1993. The two States that responded to that letter (India and Luxembourg) did not report any violations of the embargo against Somalia.

15. Pursuant to a decision taken at the sixth meeting of the Committee, on 24 February 1993, the Chairman addressed individual letters on 2 March 1993 appealing in particular to those States geographically neighbouring Somalia and other countries in the region (Djibouti, Ethiopia, Egypt, the Islamic Republic of Iran, Kenya, Saudi Arabia, the Sudan and Yemen) which might have the ability to monitor air and sea traffic in the area to increase their vigilance with regard to movement of goods across common borders with Somalia, and to monitor and identify the origin of the carriers of the goods destined for the ports of Somalia.

16. On 4 November 1994, the Security Council, deeply concerned about the continued flow of arms to Somalia, adopted resolution 954 (1994), in which it reiterated the need for the observance and strict monitoring of the arms embargo against Somalia, and requested the Committee, in particular, to seek the cooperation of neighbouring States for the effective implementation of the embargo. Subsequently, in accordance with a decision taken at its ninth meeting, on 16 November 1994, and in fulfilment of its mandate under resolution 751 (1992), the Committee issued an appeal, by means of a press release dated 5 December 1994 (United Nations press release SC/5960 SOM/62), to individuals, national and international organizations for information relating to the violations of the arms embargo against Somalia. In that connection, the Chairman also addressed letters to all States on 19 December 1994. In addition, the Chairman addressed individual letters, on 12 and 13 December 1994, appealing to those States geographically neighbouring Somalia and other countries in the region which might have the ability to monitor air, land and sea traffic in the area, to increase their vigilance with regard to movement of

goods across common borders with Somalia, and to monitor and identify the origin of the carriers of the goods destined for the ports of Somalia. No replies were received to those letters to geographically neighbouring States.

17. During the reporting period, replies received from six States (Belarus, Burkina Faso, Slovakia, Spain, Switzerland and the United Republic of Tanzania) to the above-mentioned letter addressed to all States on 19 December 1994, did not contain reports of violations of the arms embargo against Somalia.

18. Since its establishment, the Committee has considered and taken action on two cases of suspected violations of the arms embargo against Somalia. Information in the first case related to alleged shipments of arms to one of the factions involved in the conflict in Somalia. Appropriate measures were taken by the Committee in response to that alleged violation. The second case investigated by the Committee related to a press report according to which a large arms shipment destined for Somalia had been intercepted and forfeited by the Government of Seychelles in accordance with its national laws.

C. Observations

19. The Committee has, since its establishment, experienced difficulties in obtaining information on violations or suspected violations of the arms embargo against Somalia. The effectiveness of the Committee in monitoring the arms embargo would continue to depend on the cooperation of all States and organizations in a position to provide pertinent information to it.

Notes

1/ Antigua and Barbuda, Argentina, Australia, Austria, Belgium, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Finland, Germany, Greece, Honduras, Hungary, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kuwait, Lao Peoples Democratic Republic, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Morocco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Senegal, Singapore, Spain, Sudan, Suriname, Sweden, Switzerland, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and the former Yugoslavia.

2/ Algeria, Bangladesh, Barbados, Bolivia, Egypt, Haiti, Indonesia, Jamaica, Mexico, New Zealand, Paraguay, Rwanda, Spain and Ukraine.